

Remarks

Reconsideration of this application as amended is respectfully requested.

Claims 1-12 stand rejected under 35 U.S.C. §102(b) in view of U.S. Patent No: 5,194,960 of Ota ("Ota").

Applicant submits that amended claim 1 is not anticipated by Ota. Amended claim 1 is a method for exposure control that includes the limitations

obtaining a photograph of an image scene for each of a set of possible exposures;
determining a number of clipped pixels in each photograph;

determining a selected exposure from the possible exposures such that the photographs obtained using the possible exposures higher than the selected exposure have an increased value for the number and the photographs obtained using the possible exposures less than the selected exposure do not have a substantially lower value for the number.

(Amended claim 1) (emphasis added).

Ota does not teach determining a selected exposure based on the number of clipped pixels obtained for each possible exposure as claimed in amended claim 1. Instead, Ota teaches determining a selected exposure based on the number of non-clipped pixels in an exposure. (Ota, col. 12, lines 29-64 and col. 13, line 15 through col. 14, line 17). For example, Ota discloses a evaluation value calculating means 22 that generates an evaluation value for selecting an exposure (Ota, col. 14, lines 6-13) and states that

The evaluation value calculating means 22 adds the number of pixels not exceeding 2 Lv within the obtained luminance range... (Ota, col. 12, lines 54-56) (emphasis added). Applicant submits that the pixels of Ota "not exceeding 2 Lv within the obtained luminance range" are non-clipped pixels rather than clipped pixels as claimed in amended claim 1.

For example, Ota determines an evaluation value for an exposure condition c (Ota, col. 13, lines 60-62) in the

luminance range of 12-14 Lv, i.e. counts the pixels not exceeding 2 Lv within the obtained luminance range of 12 to 14 Lv, (Ota, col. 14, lines 6-10) and Figure 2 of Ota shows that pixels are not clipped in the exposure condition c until they reach higher than 16 Lv. Therefore, it is submitted that the pixels counted by the evaluation value calculating means 22 of Ota in the luminance range of 12-14 Lv are not clipped pixels. In contrast, the method of amended claim 1 bases exposure selection on the number of clipped pixels rather than the number of non-clipped pixels as taught by Ota.

It is therefore respectfully submitted that the method for exposure control of amended claim 1 that determines a selected exposure based on the number of clipped pixels obtained for each possible exposure is not anticipated by the exposure control of Ota which is based on counting the number of non-clipped pixels obtained for an exposure.

Given that claims 2-4 depend from amended claim 1, it is submitted that claims 2-4 are not anticipated by Ota.

Applicant also submits that amended claim 5 is not anticipated by Ota. Amended claim 5 includes limitations similar to the limitations of amended claim 1. Therefore, the remarks stated above with respect to amended claim 1 also apply to amended claim 5.

Given that claims 6-8 depend from amended claim 5, it is submitted that claims 6-8 are not anticipated by Ota.

It is further submitted that amended claim 9 is not anticipated by Ota. Amended claim 9 is a digital camera having an image processor that determines a selected exposure based on the number of clipped pixels obtained for each possible exposure. In contrast, Ota discloses an exposure control mechanism that that determines an exposure by counting the number of non-clipped pixels in



an exposure. (Ota, col. 12, lines 54-56).

Given that claims 10-12 depend from amended claim 9, it is submitted that claims 10-12 are not anticipated by Ota.

It is respectfully submitted that in view of the amendments and arguments set forth above, the applicable objections and rejections have been overcome.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 08-2025 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 1-2-04

By: Paul H. Horstmann
Paul H. Horstmann
Reg. No.: 36,167